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October XX, 2020

TO: Officers, PCES, and Pay Band Managers ~~All USPS Managers~~

SUBJECT: ~~Supplemental~~ Guidance Memorandum

On September 21, 2020, a Federal District Court sitting in the Southern District of New York ordered the Postal Service to take steps to ensure that Election Mail to On September 21, 2020, we issued Clarifying Operational Instructions about the Postal Service's practices concerning Overtime, Hiring, Retail Hours, Collection Boxes, Late and Extra Trips, Mail Processing, and Election Mail. On September 25, 2020, we issued a Memorandum entitled "Additional Resources for Election Mail Beginning October 1" which identified additional resources being made available for District Managers, Postmasters, Division Directors, and Plant Managers to utilize, as they determine, to support the timely and expeditious handling of the increased volume of Election Mail, as well as to clarify the operational and managerial confusion that has existed for the past few months. We write today to supplement the Clarifying Operational Instructions and the Additional Resources Memorandum in accordance with a recent federal district court order, in order to reiterate our earlier guidance and to assist in carrying out the specific directives required by the court order to give clear instructions on how the Postal Service has been ordered to handle mail up to and through the November Election. To the extent any prior direction – for example in the September 21 "Clarifying Operational Instructions" or the September 25 Memorandum titled "Additional Resources for Election Mail Beginning October 1" – is inconsistent with this memorandum, you should disregard the prior instructions. However, to the extent those instructions are not contradicted by anything in this document, they remain in effect.

Election Mail is the Postal Service's Number One Priority

Proper handling and timely delivery of Election Mail is the Postal Service's number one priority. As described below, in the Clarifying Operational Instructions and the Additional Resources Memorandum, many long-standing recommended practices about how to treat Election Mail are now policy requirements and will be enforced as such. District Managers, Postmasters, Division Directors, and Plant Managers are instructed to ensure that all Election Mail is prioritized and delivered on time. To reiterate, and by way of example, it is Postal Service policy that:

- To the extent excess capacity permits, Election Mail should be prioritized, regardless of the paid class. More detailed guidance on the prioritization of Election Mail is laid out in the Clarifying Operational Instructions and the Additional Resources Memorandum, and below. Any available excess capacity should be used to accomplish this goal.
- Specifically, Election Mail entered as Marketing Mail should be prioritized and advanced ahead of all other Marketing Mail and processed expeditiously so that it is generally delivered in line with First-Class Mail standards;
- Processing windows on letter and flat sorting equipment should be expanded as necessary to ensure that all Election Mail received prior to the First-Class Mail Critical Entry Time is processed that same day;

Commented [rg1]: The group defined here is extraordinarily under inclusive. Among others, it excludes nearly 40,000 EAS postmasters, plant managers, and supervisors.

Even if the distribution takes multiple stages, the memo itself should be addressed, as the Court directed, to all managers.

Commented [rg2]: This passage wrongly suggests this memorandum is consistent with the guidance in the two prior memoranda. It is not.

That guidance, for example, contains limitations on overtime based on "necessity" that the Court has rejected twice now.

- To the extent possible, Election Mail received after the Critical Entry Time should be processed and advanced as if it arrived prior to the Critical Entry Time, unless doing so would disrupt on-time service for Election Mail received prior to the Critical Entry Time;
- Election Mail, including ballots with Green Tags 191, should be prioritized when loading trucks;
- All identifiable ballots returned by voters should be “cancelled” or “postmarked,” regardless of the method of payment of postage used, and early cancellations should be conducted the week before Election Day to ensure all collected ballots are processed timely;
- Ballots should be transmitted to their destination regardless of whether there is correct postage on the ballot, and any employee handling, processing, or sorting mail should be made aware that ballots should always be carried to their destination;
- International service centers must take extra care to ensure that no ballots are incorrectly marked to be returned to sender, and careful review of international mail should be undertaken for this purpose;
- Furthermore, the Postal Service will utilize ballot monitors in each mail processing facility in order to ensure that as many ballots being returned by voters as possible are cancelled as required by our policy;
- Daily “all clears” should be used to ensure that all Election Mail is accounted for in the system and mail scheduled or “committed” to go out is processed accordingly;
- Standardized log sheets should be used to track Election Mail through processing;
- Ballots mailed close-within eight days prior to to Election Day (i.e., as of October 26, 2020), regardless of paid class, may and should be manually separated and moved by air or according to Priority Mail Express delivery standards;
- Extra delivery and collection trips are authorized and instructed to be used to ensure that completed ballots entered within eight days prior to on Election Day (i.e., October 26, 2020) and through the state-appropriate number of days after Election Day reach the appropriate election official by the state’s designated deadline on Election Day;
- The use of extraordinary measures beyond our normal course of operations is authorized and expected to be used between October 26, 2020, and November 24, 2020, to accelerate the delivery of identifiable ballots. The Additional Resources Memorandum provides examples of extraordinary measures that may and should be taken if necessary to ensure the expeditious delivery of ballots, which may also include manually separating ballots and moving them by air, consistent with practices used in past elections. This is a policy mandate, and violation of this policy will be treated like violation of any other critical policy.

For additional discussion of the Postal Service’s policy requirements concerning the treatment of Election Mail, please refer to the Clarifying Operational Instructions and the Additional Resources Memorandum referenced above.

Recommended Practices and Resources for the Treatment of Election Mail

In addition to the policy requirements above, the use of extraordinary measures beyond our normal course of operations is authorized and expected to be executed by local management between October 26 and November 24, to accelerate the delivery of ballots, when the Postal Service is able to identify the mailpiece as a ballot. As noted in the Additional Resources memorandum, these resources are currently available for managers and have been, beginning on October 1, 2020.

Commented [rg3]: We believe it is more appropriate to incorporate the portions of the previous memoranda that are of value, rather than having managers attempting to cobble together meaning from three separate documents.

The text of this section is drawn from the September 21 and September 25 documents, with edits to make those documents consistent with the Court’s Order.

Extraordinary measures that should be employed include, but are not limited to, expedited handling, extra deliveries, and special pickups as used in past elections, to connect blank ballots entered by election officials to voters or completed ballots returned by voters entered close to or on Election Day to their intended destination (e.g., Priority Mail Express, Sunday deliveries, special deliveries, running collected ballots to Boards of Elections on Election Day, etc.). These measures should be used freely and liberally.

We know that, as in past elections, there will be entries of ballots to and from voters that will require us to take the extra steps set forth herein to ensure timely delivery. The additional resources available beginning October 1, and our robust practices and procedures that we employ every election cycle as described above, will help ensure that we are able to do everything in our power to meet our customers' expectations that mail will be delivered in a timely manner when our customers use the mail to facilitate or participate in the electoral process.

1. Processing

Election Mail entered as Marketing Mail should be advanced ahead of all other Marketing Mail and processed expeditiously to the extent feasible so that it is generally delivered in line with First-Class Mail delivery standards. Processing windows on letter and flat sorting equipment should be expanded as necessary to ensure that all Election Mail received prior to the First-Class Mail Critical Entry Time is processed that same day. Further, to the extent possible, Election Mail received after the Critical Entry Time should be processed and advanced as if it arrived prior to the Critical Entry Time, unless doing so would disrupt on-time service for Election Mail received prior to the Critical Entry Time.

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Other additional processing resources are also authorized and instructed to be used to ensure that Election Mail stays current and moving through the Postal Service's network. This includes, but is not limited to, early cancellations the week before Election Day to ensure all collected ballots are processed timely.

2. Transportation

As described in more detail below, extra transportation resources are authorized and instructed to be used to ensure that Election Mail reaches its intended destination in a timely manner. This includes, but is not limited to, extra trips from all points of processing and delivery (e.g., retail units and plants), as necessary to connect Election Mail to its intended destination or the next stage in Postal Service processing.

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3. Delivery/Collections

Extra delivery and collection trips are authorized and instructed to be used to ensure that completed ballots entered on Election Day reach the appropriate election official by the state's designated deadline on Election Day. This includes, but is not limited to, early collections the week before Election Day to ensure all collected ballots are processed timely, and delivery of ballots found in collections on Election Day to election boards within states requiring ballots be returned by a designated time on Election Day.

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4. Overtime

As described in more detail below, overtime is authorized and instructed to be used to support these additional resources and the completion of the additional work.

Late and Extra Trips Are Not Banned and Should Be Used When They Would Facilitate the Expedited Delivery of Election Mail

To reiterate, late and extra trips are not banned. The memoranda and guidelines on late and extra trips distributed in July 2020 have been officially rescinded. Pre-approval is not needed for late and extra trips. Because the proper handling and timely delivery of Election Mail is our number-one priority, authorizing late and extra trips through November 30, 2020 and beyond, will not result in disciplinary action, nor will it at any other time. To the contrary, Through November 30 in particular, late and extra trips that would facilitate the on-time delivery of Election Mail are authorized and encouraged—we are committed to using such trips to deliver Election Mail on time.

For example, if a truck needs to be held to receive Election Mail and that delay would not cause the truck to miss a later connection that might delay other Election Mail, the truck should be held until it can receive the Election Mail. If the delay in Election Mail could be stopped altogether by authorizing extra trips and related overtime (even if it would be penalty overtime), extra trips should be used instead. That is, if delaying any truck would cause an overall delay in other Election Mail, extra trips should be used to minimize the effect of such delays.

Similarly, if an extra trip would result in Election Mail being delivered more quickly, it should be authorized.

Finally, we note that other court orders have suspended the July 2020 restrictions that were imposed on late and extra trips. As noted above, these restrictions no longer apply. Even past November, late and extra trips are not banned, and authorization of those trips will not result in discipline of any kind.

Overtime Should Be Used to Deliver Election Mail

Overtime, including penalty overtime, is authorized and instructed to be used to facilitate the timely delivery of Election Mail. Further discussion regarding the use of overtime needed to expeditiously move Election Mail is communicated in the Clarifying Operational Instructions and the Additional Resources Memorandum. The Clarifying Operational Instructions and Additional Resources Memorandum are both wrong when they place restrictions on the authorization of overtime that relate to whether the overtime is "needed," "necessary," or at all related to "expected work hours." As relates to overtime, the restrictions in the Clarifying Operational Instructions and Additional Resources Memorandum are rescinded. Furthermore, until November 24, 2020, you should consider any and all targeted reductions in workhours to be suspended.

For any Election Mail-related overtime, the only consideration should be whether the overtime would ensure Election Mail is delivered more quickly. If the overtime, including penalty overtime, would produce that result, it should be authorized, period.

For example, if overtime would ensure that ballots can be processed and delivered in line with First-Class Mail delivery standards, or that a facility clears all of its Election Mail to the greatest extent possible without impacting downstream operations that might likewise contain Election Mail, that overtime is authorized and instructed to be used.

Commented [rg4]: It is not clear how authorizing overtime could ever impact downstream operations. The deleted sentence appears to be another attempt to place an inappropriate discretion point in the hands of local managers.

Similarly, if authorization of overtime for a facially non-Election Mail related purpose would free other resources that would accelerate delivery of Election Mail, such overtime would be authorized.

Finally, in the absence of truly extraordinary reasons, in the period between and including October 26, 2020 and November 6, 2020, the rule to be applied is, essentially, any overtime that even touches on delivery of Election Mail is authorized. Any questions should be resolved in favor of authorizing overtime.

Overtime Should Be Used Prior to the Election to Achieve Ordered Service Standards

In the weeks beginning September 12, 2020 and September 19, 2020, our national on-time delivery score for First Class mail dipped nearly 5 points, to 84.23%. The Court has ordered the Postal Service to achieve an on-time score of 93.88%. Achieving this is the highest priority, and overtime and other measures are authorized and encouraged, as of today, to bring on-time delivery up to the required standard.

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Report Violations of Election Mail Policies and Practices

In the event that any of our current Election Mail policies and practices are not being observed the guidance in this memorandum is not being observed, or any employee has any concern regarding our ability to deliver mail on time throughout the election, please report any such concerns as soon as possible so they can be corrected promptly. In the first instance, reports should be made to the relevant ballot ambassador. If the relevant ballot ambassador is not available or is not known, reports should be made to a relevant union representative, who can refer reports of any Election Mail concerns to ballot ambassadors on the reporter's behalf. If the individual reporting the concern is unable to reach either a ballot ambassador or union representative, the individual should contact the relevant Election Mail coordinator; the contact information for all Election Mail coordinators is listed at <https://about.usps.com/what/government-services/election-mail/pdf/political-election-mail-coordinators.pdf>.

For example, please report any delayed ballots or any ballots that have not been prioritized, to the relevant ballot ambassador or the Election Mail coordinator.

Recent This Guidance Should Be Explained to Your Direct Reports

As soon as possible, please explain to each of your direct reports the policies and practices described here, including the reporting structure discussed above. Please instruct your direct reports to explain the policies and practices described here to their own direct reports, all the way down to line-level employees. Please also inform all employees that a copy of this memorandum will be posted on bulletin boards in all facilities, and on the Postal Service Intranet both at blue.usps.gov and liteblue.usps.gov. Please also explain to each of your direct reports the policies and practices described in the Clarifying Operational Instructions and the Additional Resources Memorandum that are relevant to each direct report, taking into account their individual responsibilities.

Headquarters will also be preparing and distributing a Mandatory Stand-Up Talk that will be pushed to all employees, discussing this memorandum.

Commented [rg5]: Plaintiffs have concerns about this reporting mechanism for two reasons:

1. Election coordinators do not work in logistics. Rather, they coordinate with state and local BOEs and might not have the requisite experience or authority to intervene if there are operational or logistical issues.
2. From our understanding, "ballot ambassadors" are new roles created by USPS this year. Essentially, USPS has asked local offices to appoint these ambassadors. From what we have heard, the local offices are willing to so-appoint, but it is unclear what the role or authority of these "ambassadors" is or will be.

We recommend that, contemporaneously with this order, the Court appoint an independent monitor of some kind to receive and resolve these complaints.

That person should be empowered to receive anonymous complaints, issue non-binding guidance, and give local USPS managers orders to rectify non-compliance. If the non-compliance is not rectified in two business days, the monitor would report the non-compliance to the Court, and a status conference should be held within 24 hours of such notification.

In the alternative, Plaintiffs' counsel can set up a special email address to receive and review complaints, but that process might result in the Court becoming involved earlier than is strictly necessary.

Commented [rg6]: See https://about.usps.com/publications/pub223/223clgen_023.htm

<https://liteblue.usps.gov/wps/portal/>

If You Have Questions About Recent Guidance, Ask

To provide consistent guidance across the nation, if you have questions regarding Logistics and Processing Operations, please contact Mike Barber, Vice President, Processing and Maintenance Operations. If you have any questions regarding Retail and Delivery Operations, please contact Joshua Colin, Vice President, Delivery Operations or Angela Curtis, Vice President, Retail and Post Office Operations. Contact information for these individuals can be found in the internal directory.

Commented [rg7]: Plaintiffs believe the Court's Order requires the memorandum to actually contain contact information for these personnel – not just direct employees to look them up. See Order 7(i) ("Provide contact information for persons responsible ..."). Such contact information, we think, should include an email and a direct phone number.

However, we do not have that contact information and cannot directly suggest the appropriate change.